

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1732 (42059 - 01170)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on August 11, 2005

Signature Maureen Sileo

Typed or printed name Maureen Sileo

Application Number

09/923,984

Filed

08/07/2001

First Named Inventor

Rupe, Jason

Art Unit

2642

Examiner

Le, Karen L.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

- ☐ attorney or agent of record.
Registration number _____

- ☒ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 34,806

Robert G. Crouch
Signature

Robert G. Crouch
Typed or printed name

720-562-5506
Telephone number

August 11, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

was added having) the following limitation: wherein the priority number is further determined based on at least one of: indication made in the at least one telephone call, and from monitoring the one or more interactive applications accessed.

In the Final Office Action mailed March 11, 2005, there is no mention of how this limitation is found in any of the cited references or is obvious in light of the combination of these references. The discussion about the rejection of claim 9 on pages 4 and 5 of the Office Action does not mention this limitation. Similarly, the discussion about the rejection of claim 18 on pages 6 and 7 of the Office Action does not mention this limitation.

In the Amendment and Response to Final Office Action filed by mail on June 13, 2005, the other pending independent claim (claim 1) was canceled, and this limitation (and its absence in the cited prior art references) was emphasized in the last paragraph on page 5 thereof.

In the Advisory Action mailed July 8, 2005, this limitation was not addressed either.

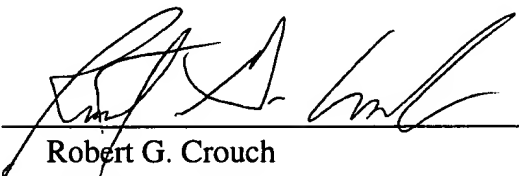
It is respectfully submitted that this complete failure to address a claim limitation is a clear error.

Applicants further submit that the other prior art of record fails to teach the above limitation.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. Alternatively, a non-final Office Action addressing all of the limitations of the claims is hereby requested.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Robert G. Crouch

Registration No. 34,806

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(720) 562-5506

Date: 8-11-05